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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,556	04/26/2000	Arturo A Rodriguez	A-5703	9533

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/558,556

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 9-14, 16-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,563,515 to Reynolds.

Regarding claims 1, 11, 16, and 20, Reynolds discloses in Figure 3, a set top box 44, which enables a user to select a number of EPG/video display modes, including simultaneously displaying two video programs and a program guide on the same screen (Figure 6a), at least two tuners are included (column 6, lines 18-24) and the tuner tunes to a channel to retrieve EPG information, the set top box displays the information on television 48 (column 4, line 49-column 6, line 24, column 8, lines 1-48, Figures 5-7).

Regarding claim 4, Reynolds discloses the use of a database 34 for storing EPG information (column 5, lines 9-64).

Regarding claim 5, Reynolds discloses the use of two tuners which may have mixed analog and digital capabilities (column 6, lines 17-24).

Regarding claim 6, Reynolds shows in figure 6a, an EPG display. Reynolds inherently utilizes a graphics engine for generating the program guide display

information, because a graphics engine is necessary for on screen display of the stored EPG information.

Regarding claim 7, Reynolds discloses that the resolution of video pictures may be scaled down (column 7, lines 41-49).

Regarding claims 9 and 10, Reynolds shows in Figure 6a, an EPG display with resized video (column 7, lines 41-49). Reynolds inherently makes use of media memory to enable simultaneous display of both epg and video information, as Reynolds discloses the display of digital channels which require memory to store an incoming video stream and memory is required to create, store and display the electronic program guide screens.

Regarding claim 12, Reynolds discloses in Figure 6a, an EPG display which displays a number of program listings simultaneously and a number of video programs simultaneously (column 4, line 49-column 6, line 24, column 8, lines 18-36).

Regarding claims 13 and 14, Reynolds discloses that a user may request EPG information for display and in response the set top box displays it (column 8, lines 1-48).

Regarding claims 17 and 18, Reynolds discloses that the EPG and video windows may be displayed simultaneously and that a user may scroll through multiple channels in a video window and program guide listings (column 8, lines 12-17, line 63-column 9, line 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,563,515 to Reynolds.

Regarding claims 3 and 15, Reynolds discloses that TV equipment 40 includes a processor to implement the EPG on TV 48, EPG data is delivered periodically (column 6, lines 25-41). Reynolds does not disclose utilizing the processor to request EPG data. The examiner takes official notice that utilizing a processor to request EPG data is well known in the art, (for example, utilizing TVGUIDE.com to retrieve local program listings). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the processor of Reynolds to request EPG information thereby insuring a user would have the most up to date programming information available.

Regarding claim 19, Reynolds discloses that a user may video programming/epg information in a variety of modes (Figures 5-7). Reynolds does not disclose the use of display preferences. The examiner takes official notice that the use of a user preference to set a display mode is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Reynolds utilize a display preference, thus enabling a user to readily view programming choices in a comfortable manner.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,563,515 to Reynolds in view of U.S. Patent 6,289,170 to Nagano.

Regarding claim 2, Reynolds discloses a STB with two tuners, a the tuner tunes to a channel to retrieve EPG information, the set top box displays the information on television 48 (column 4, line 49-column 6, line 24, column 8, lines 1-48, Figures 5-7). Reynolds does not disclose whether the tuners each retrieve EPG data. Nagano discloses a STB with a tuner which retrieves EPG information which is transmitted in the VBI (column 5, lines 1-45). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Reynolds to include the VBI EPG decoding circuitry of Nagano, thus enabling a STB to retrieve EPG data for each program/channel as it is received.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,563,515 to Reynolds in view of U.S. Patent 6,505,348 to Knowles .

Regarding claim 8, Reynolds discloses that TV equipment 40 includes a processor to implement the EPG on TV 48, EPG data is delivered periodically (column 6, lines 25-41). Reynolds does not disclose utilizing a security processor for selectively authorizing subscribers to view EPG information. Knowles discloses an EPG which utilizes a number of codes that enable different users to access different EPGs which may display separate sets of channels (column 8, line 61-column 13, line 33). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the processor of Reynolds to implement the security codes of Knowles thereby preventing children from accessing inappropriate programming.

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL
June 16, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600